



## FACT SHEET ON CAMPAIGN ADVERTISEMENTS FOR PRIMARILY FORMED RECIPIENT COMMITTEES

The City's Election Campaign Control Ordinance (ECCO) includes laws regarding campaign advertisements that advocate for or against candidates and ballot measures in City of San Diego elections, including campaign literature, telephone calls, television and radio advertisements, internet ads, and other mass media communications. This fact sheet is designed to provide a general description of these laws but should not be considered a substitute for the actual language contained in ECCO.

### Introduction

- ❖ The rules set forth in this fact sheet are largely derived from state law. Note that the City of San Diego does not enforce certain state-mandated requirements (for example, disclosures on emails, text messages, and unpaid social media posts, and statements regarding independent expenditures not authorized by candidates); see the final section of this fact sheet for additional information in this regard.
- ❖ This fact sheet is applicable solely to primarily formed recipient committees (PFRCs), including City candidate-controlled committees created to support or oppose one or more ballot measures.
  - ✓ It does not apply to general purpose recipient committees, independent expenditure committees, or committees established by candidates for the purpose of seeking elective office.
  - ✓ Advertising fact sheets for other types of committees are available on the Commission's website.
- ❖ Campaign advertisements must contain an "Ad paid for by" disclosure regardless of quantity. Even a single campaign flyer or sign must contain a disclosure.
- ❖ Disclosure requirements apply only to campaign communications that are "advertisements," (that is campaign materials or content designed for public or general dissemination).
  - ✓ The following campaign-related communications are not considered "advertisements": requests for endorsements; internal campaign memos; discussions with campaign consultants; and communications with campaign vendors.

### Campaign Literature

- ❖ When a PFRC pays for printed campaign advertisements that are designed to be individually distributed (for example, campaign mailers, flyers, door hangers, business cards), the committee must be identified on the advertisement.
- ❖ Each item of campaign literature must contain the words "Ad paid for by" followed by the name of the committee.
  - ✓ The disclosure must use an Arial equivalent font at least 10 points in size in a color that contrasts with the background.
  - ✓ All parts of the disclosure must be centered horizontally within a printed or drawn box with a solid white background at the bottom of the item, set apart from other printed matter.
  - ✓ The disclosure need not be underlined unless the committee has one or more \$50,000 donors (see below).

- ✓ These requirements apply to campaign advertisements disseminated by the committee in any quantity (that is, one or more items)
- ✓ Note that an advertisement that takes the form of a printed letter may use the words “Paid for by” instead of “Ad paid for by.”
- ❖ If a PFRC has at least one donor of \$50,000 or more within the 12 months prior to the date of the ad expenditure, the disclosure must also identify the PFRC’s top donors on the advertisement, as follows:
  - ✓ The disclosure must include the words “Committee Top Funder(s)” or “Ad Committee’s Top Funders” followed by the names of the PFRC’s top three donors of \$50,000 or more.
  - ✓ If fewer than three donors contributed \$50,000 or more to the PFRC, only those that have reached the threshold must be identified.
  - ✓ Each donor must be identified on a separate line, centered horizontally; the donors must be listed in descending order, beginning with the donor who made the largest cumulative contributions on the first line.
  - ✓ All parts of the disclosure, except for the names of the \$50,000 donors, must be underlined.
  - ✓ The disclosure may not be in all caps.
- ❖ In addition to the above requirements, if a PFRC has at least one donor of \$10,000 or more, the disclosure must include the words “Funding details at [www.sandiego.gov/donors](http://www.sandiego.gov/donors).”
  - ✓ These words must appear immediately below and in the same font size and format as the “Ad paid for by” disclosure.
  - ✓ This disclosure must be made even if the committee has no \$50,000 donors.
- ❖ The applicable ad disclosure and \$50,000 donor language shall go inside a printed or drawn box. The City of San Diego’s unique \$10,000 donor disclosure shall go immediately below and outside of the box.
- ❖ Additional rules for PFRCs with \$10,000 donors and \$50,000 donors are discussed near the end of this fact sheet, along with other state laws applicable to all PFRCs.
- ❖ The following items are exempt from the “Ad paid for by” disclosure requirement: campaign buttons smaller than 10 inches in diameter; bumper stickers smaller than 60 square inches; small tangible promotional items, such as a pen, pin, or key chain; wearing apparel; skywriting; airplane banners; and communications from an organization, other than a political party, to its members.
- ❖ Committees paying for campaign literature must maintain records that identify the date(s) of dissemination, the number of pieces disseminated, the method of dissemination, and an original sample of each item disseminated.

### **Campaign Signs**

- ❖ When a committee disseminates campaign signs (that is, printed materials designed for public display rather than distribution to individuals), each sign must contain the words “Ad paid for by” followed by the name of the committee. This requirement applies to small, medium, and large signs in any quantity, including yard signs, banners, posters, and billboards.
- ❖ Each sign must contain the words “Ad paid for by” followed by the name of the committee.

- ✓ The disclosure must use a contrasting non-condensed Arial equivalent font that is at least 5% of the sign height. If a disclosure is spread across multiple lines of text, the height of each line of text in the disclosure must be equal to or greater than 5% of the sign height.
- ✓ The disclosure must be contained within a printed or drawn box with a solid white background at the bottom of the sign, set apart from other printed matter.
- ❖ Alternatively, the text for the name of the committee may be shortened by either of the following:
  - ✓ Displaying only enough of the first part of the committee name to uniquely identify the committee. If the committee is a sponsored committee, then the name displayed must include the portion of the committee name that identifies the sponsor or sponsors, unless all of the sponsors are disclosed on the ad as top contributors. Or,
  - ✓ Committee name may be replaced by displaying the words “Committee ID” followed by the committee’s identification number if committee has top funders to disclose.
- ❖ If a PFRC has at least one donor of \$50,000 or more, the disclosure must also identify the PFRC’s top donors on the advertisement, as follows:
  - ✓ The disclosure must include the words “Ad Committee’s Top Funders” followed by the names of the PFRC’s top three donors of \$50,000 or more.
  - ✓ If fewer than three donors contributed \$50,000 or more to the PFRC, only those that have reached the threshold must be identified.
  - ✓ The disclosure may not be in all caps.
- ❖ The required disclosures need not appear on separate horizontal lines. Any \$50,000 donors may be separated by commas.
- ❖ In addition to the above requirements, if a PFRC has at least one donor of \$10,000 or more, the disclosure must include the words “Funding details at [www.sandiego.gov/donors](http://www.sandiego.gov/donors).”
  - ✓ These words must appear immediately below and in the same font size and format as the “Ad paid for by” disclosure.
  - ✓ This disclosure must be made even if the committee has no \$50,000 donors.
- ❖ The applicable ad disclosure and top contributor of \$50,000 or more language shall go inside a printed or drawn box. The City of San Diego’s unique \$10,000 donor disclosure shall go immediately below and outside of the box.
- ❖ Additional rules for PFRCs with \$10,000 donors and \$50,000 donors are discussed near the end of this fact sheet, along with other state laws applicable to all PFRCs.
- ❖ Committees paying for campaign signs must maintain records that identify the date(s) the signs were posted, the number of signs posted, where the signs were posted, and an original sample of each sign that was posted. For large signs, where an original sample would be impracticable, the committee need only maintain an advertising proof or comparable image of the item in printed or electronic format.

### **Telephone Communications**

- ❖ When a committee makes live or recorded telephone calls (in any quantity), each call must identify the committee’s name.
  - ✓ Each call must include the words “ad paid for by” followed by the name of the committee.

- ✓ The disclosure must be made at the beginning or end of the call in a clearly spoken manner and in a pitch and tone substantially similar to the rest of the message and must last at least three seconds.
- ❖ The disclosure requirement does not apply to routine calls between campaign staffers, calls to vendors, and similar calls that do not include a campaign message.
- ❖ If a PFRC has at least one donor of \$50,000 or more, the disclosure must also identify the PFRC's top donors during the call, as follows:
  - ✓ The disclosure must include the words "Ad Committee's Top Funders" followed by the names of the PFRC's top three donors of \$50,000 or more.
  - ✓ If fewer than three donors contributed \$50,000 or more to the PFRC, only those that have reached the threshold must be identified.
  - ✓ If the call uses a pre-recorded message, only the top two \$50,000 donors need be identified, except that if the call uses a pre-recorded message that lasts less than 15 seconds or the disclosure statement would last more than 8 seconds, then only the single top \$50,000 donor must be identified.
- ❖ In addition to the above requirements, if a PFRC has at least one donor of \$10,000 or more, the disclosure must include the words "funding details at [www.sandiego.gov/donors](http://www.sandiego.gov/donors)."
  - ✓ These words must be spoken immediately following the "ad paid for by" disclosure in the same pitch and tone as the rest of the call.
- ❖ The applicable ad disclosure and top contributor of \$50,000 or more language shall go inside a printed or drawn box. The City of San Diego's unique \$10,000 donor disclosure shall go immediately below and outside of the box.
- ❖ Additional rules for PFRCs with \$10,000 donors and \$50,000 donors are discussed near the end of this fact sheet, along with other state laws applicable to all PFRCs.
- ❖ Committees must maintain records that identify the date(s) the telephone calls were made, the number of calls made, as well as a transcript of the messages communicated and a copy of any recorded messages.

### **Television Advertisements**

- ❖ When a PFRC pays to produce and broadcast a campaign advertisement on television, the advertisement must contain the words "Ad paid for by" followed by the name of the committee.
  - ✓ The disclosure must use a contrasting Arial equivalent font with a height that is at least 4% of the height of the video.
  - ✓ All parts of the disclosure must be centered horizontally against a solid black background taking up at least the bottom quarter of the video or bottom third if the committee has \$50,000 donors (see below).
  - ✓ The disclosure need not be underlined unless the committee has one or more \$50,000 donors (see below).
  - ✓ The disclosure must be made at the beginning or end of the broadcast and must appear for at least five seconds for a broadcast of 30 seconds or less, or at least 10 seconds for a broadcast longer than 30 seconds. If the broadcast is less than five seconds, the disclosure must be displayed for the length of the broadcast.
- ❖ Alternatively, the text for the name of the committee may be shortened by either of the following:

- ✓ Displaying only enough of the first part of the committee name to uniquely identify the committee. If the committee is a sponsored committee, then the name displayed must include the portion of the committee name that identifies the sponsor or sponsors, unless all of the sponsors are disclosed on the ad as top contributors. Or,
- ✓ Committee name may be replaced by displaying the words “Committee ID” followed by the committee’s identification number if committee has top funders to disclose.
- ❖ If a PFRC has at least one donor of \$50,000 or more, the disclosure must also identify the PFRC’s top donors on the advertisement, as follows:
  - ✓ The disclosure must include the words “Ad Committee’s Top Funders” followed by the names of the PFRC’s top three donors of \$50,000 or more.
  - ✓ If fewer than three donors contributed \$50,000 or more to the PFRC, only those that have reached the threshold must be identified.
  - ✓ Each donor must be identified on a separate line, centered horizontally.
  - ✓ Donors must be listed in descending order, beginning with the donor who made the largest cumulative contributions on the first line.
  - ✓ A donor’s name may not be condensed (for example, by reducing the spacing between characters) unless doing so is necessary to prevent the name from exceeding the width of the video.
  - ✓ All parts of the disclosure, except for the names of the \$50,000 donors, must be underlined.
  - ✓ The disclosure may not be in all caps.
- ❖ In addition to the above requirements, if a PFRC has at least one donor of \$10,000 or more, the disclosure must include the words “Funding details at [www.sandiego.gov/donors](http://www.sandiego.gov/donors).”
  - ✓ These words must appear immediately below and in the same font size and format as the “Ad paid for by” disclosure.
- ❖ The applicable ad disclosure and top contributor of \$50,000 or more language shall go inside a printed or drawn box. The City of San Diego’s unique \$10,000 donor disclosure shall go immediately below and outside of the box.
- ❖ Additional rules for PFRCs with \$10,000 donors and \$50,000 donors are discussed near the end of this fact sheet, along with other state laws applicable to all PFRCs.
- ❖ Committees paying for television advertisements must maintain records that identify the media outlet broadcasting the advertisement, the date(s) the advertisement appeared, the content and size of the “Ad paid for by” disclosure, as well as a copy of the advertisement.

## **Radio Advertisements**

- ❖ When a PFRC broadcasts a campaign advertisement on the radio, the advertisement must contain the words “ad paid for by” followed by the name of the committee.
  - ✓ The disclosure must be at the beginning or end of the broadcast and be in the same pitch and tone as the rest of the broadcast.
  - ✓ The disclosure must last at least three seconds.
- ❖ If a PFRC has at least one donor of \$50,000 or more, the disclosure must also identify the PFRC’s top donors during the broadcast, as follows:

- ✓ The disclosure must include the words “Ad Committee’s Top Funders” followed by the names of the PFRC’s top two donors of \$50,000 or more, except that if advertisement lasts less than 15 seconds or the disclosure statement would last more than eight seconds, then only the single top \$50,000 donor must be identified.
- ❖ In addition to the above requirements, if a PFRC has at least one donor of \$10,000 or more, the disclosure must include the words “funding details at [www.sandiego.gov/donors](http://www.sandiego.gov/donors).”
  - ✓ These words must be spoken immediately following the “ad paid for by” disclosure in the same pitch and tone as the rest of the advertisement.
- ❖ The applicable ad disclosure and top contributor of \$50,000 or more language shall go inside a printed or drawn box. The City of San Diego’s unique \$10,000 donor disclosure shall go immediately below and outside of the box.
- ❖ Additional rules for PFRCs with \$10,000 donors and \$50,000 donors are discussed near the end of this fact sheet, along with other state laws applicable to all PFRCs.
- ❖ Committees paying for radio advertisements must maintain records that identify the media outlet broadcasting the advertisement, the date(s) the advertisement was broadcast, the content of the “ad paid for by” disclosure, as well as a copy of the advertisement.

### **Videos on the Internet**

- ❖ When a PFRC pays to produce and disseminate a campaign video on the internet, the video must contain the words “Ad paid for by” followed by the name of the committee.
- ❖ Alternatively, the text for the name of the committee may be shortened by either of the following:
  - ✓ Displaying only enough of the first part of the committee name to uniquely identify the committee. If the committee is a sponsored committee, then the name displayed must include the portion of the committee name that identifies the sponsor or sponsors, unless all of the sponsors are disclosed on the ad as top contributors. Or,
  - ✓ Committee name may be replaced by displaying the words “Committee ID” followed by the committee’s identification number if committee has top funders to disclose.
- ❖ Disclosure requirements for campaign videos are the same as for television advertisements (see above), except that if the video is longer than 30 seconds, the disclosure must be made at the beginning of the video.
- ❖ The applicable ad disclosure and top contributor of \$50,000 or more language shall go inside a printed or drawn box. The City of San Diego’s unique \$10,000 donor disclosure shall go immediately below and outside of the box.
- ❖ Additional rules for PFRCs with \$10,000 donors and \$50,000 donors are discussed near the end of this fact sheet, along with other state laws applicable to all PFRCs.
- ❖ Committees paying for video advertisements must maintain records that identify the website displaying the advertisement, the date(s) the advertisement appeared, the content and size of the “Ad paid for by” disclosure, as well as a copy of the advertisement.

### **Text/Graphic Advertisements on the Internet**

- ❖ When a PFRC pays for internet campaign advertising that uses text, images, or graphics (still or animated), such as a banner ad on the Union Tribune website or a Facebook ad, the advertisement must directly or indirectly provide the public with information identifying the committee. The

method for doing so depends on whether the website allows the advertisement to link to an internet website containing the identifying information.

- ❖ If such links are allowed, the PFRC should follow the rules set forth below in *Part A: Linkable Ads*; if not, it should instead follow the rules in *Part B: Non-Linkable Ads*.
- ❖ Committees paying for Internet advertisements must maintain records that identify the website where the advertisement appeared, the date(s) the advertisement appeared, the content and size of the “Ad paid for by” disclosure, as well as an advertising proof or comparable image of the advertisement in printed or electronic format.
- ❖ The applicable ad disclosure and top contributor of \$50,000 or more language shall go inside a printed or drawn box. The City of San Diego’s unique \$10,000 donor disclosure shall go immediately below and outside of the box.
- ❖ Additional rules for PFRCs with \$10,000 donors and \$50,000 donors are discussed near the end of this fact sheet, along with other state laws applicable to all PFRCs.

### **Part A: Linkable Ads**

- ❖ When an advertisement can be linked to an Internet website, the link must include the words “Who funded this ad?” or “Paid for by” or “Ad paid for by” displayed as text, an icon, a button, or a tab for the duration of the advertisement. These words must be in a contrasting color and use a font size that is easily readable by the average viewer.
  - ✓ These words are not required if, in an 8-point font, they would take up more than one-third of the advertisement. In this case, the ad itself must still link to a website disclosure.
  - ✓ These words are also not required if the ad appears on a social media site and clicking the ad will direct persons to the necessary disclosures (in at least a 10-point font) on a cover or header photo on the committee’s profile, landing page, or similar location. If these disclosures cannot easily be seen on a smart phone, the cover or header photo must instead link to an Internet website containing the disclosure.
- ❖ The internet website used for the required disclosures must prominently display the words “Ad paid for by” followed by the name of the committee in an easily legible, contrasting font at least 8 points in size. This disclosure must appear at the top or bottom of every publicly accessible page of the site. The website disclosure must remain online and available to the public until at least 30 days after the date of the applicable election.
- ❖ Alternatively, the text for the name of the committee may be shortened by either of the following:
  - ✓ Displaying only enough of the first part of the committee name to uniquely identify the committee. If the committee is a sponsored committee, then the name displayed must include the portion of the committee name that identifies the sponsor or sponsors, unless all of the sponsors are disclosed on the ad as top contributors. Or,
  - ✓ Committee name may be replaced by displaying the words “Committee ID” followed by the committee’s identification number if committee has top funders to disclose.
- ❖ If a PFRC has at least one donor of \$50,000 or more, the “Ad paid for by” disclosure must also identify the PFRC’s top donors on the advertisement, as follows:
  - ✓ The disclosure must include the words “Ad Committee’s Top Funders” followed by the names of the PFRC’s top three donors of \$50,000 or more.
  - ✓ If fewer than three donors contributed \$50,000 or more to the PFRC, only those that have reached the threshold must be identified.

- ✓ The disclosure may not be in all caps.
- ❖ If a PFRC has at least one donor of \$10,000 or more, the website disclosure must also include the words “Funding details at [www.sandiego.gov/donors](http://www.sandiego.gov/donors).”
  - ✓ These words must appear below and in the same font size and format as the “Ad paid for by” disclosure.
  - ✓ The website address [www.sandiego.gov/donors](http://www.sandiego.gov/donors) must be in the form of a hypertext link.
- ❖ The applicable ad disclosure and top contributor of \$50,000 or more language shall go inside a printed or drawn box. The City of San Diego’s unique \$10,000 donor disclosure shall go immediately below and outside of the box.
- ❖ Additional rules for PFRCs with \$10,000 donors and \$50,000 donors are discussed near the end of this fact sheet, along with other state laws applicable to all PFRCs.

## **Part B. Non-Linkable Ads**

- ❖ The following rules apply to online platforms that do not allow campaign advertisements to link to another site containing disclosure information. See Part A above for websites that allow such links.
- ❖ An “online platform” is a publicly accessible Internet website, web application, or digital application, including a social network, ad network, or search engine, that sells advertisements directly to advertisers.
- ❖ If an online platform does not allow a PFRC’s advertisements to link directly to the PFRC’s profile or landing page or to an external Internet website containing the required disclosures, the PFRC must provide disclosure information to the platform, which will display it next to the advertisement.
- ❖ When purchasing campaign advertisements from an online platform, the PFRC must supply the platform with the following information:
  - ✓ It must provide the platform with its full committee name and identification number.
  - ✓ It must notify the platform that it is disseminating a campaign advertisement as defined in California Government Code § 84501.
  - ✓ It must provide the platform with its “disclosure name,” that is, the words “committee major funding from” followed by the names of its top three donors of \$50,000 or more, followed by a colon, followed by the committee’s full name within quotation marks. These disclosures may not be in all caps.
    - If the “disclosure name” changes due to a change in the committee’s top 3 donors or the name of the committee, the committee must provide the platform with an updated “disclosure name” within 5 business days.
    - If a PFRC has at least one donor of \$10,000 or more, the “disclosure name” must end with the words “Funding details at [www.sandiego.gov/donors](http://www.sandiego.gov/donors).” If allowed by the platform, the website address [www.sandiego.gov/donors](http://www.sandiego.gov/donors) must be in the form of a hypertext link. For example:  
 Committee major funding from James Gettys, Susan Alexander, and Leland Industries: “Neighborhoods for Government Accountability Yes on D.” Funding details at [www.sandiego.gov/donors](http://www.sandiego.gov/donors).
    - If the committee does not have any \$50,000 donors, but does have at least one \$10,000 donor, its “disclosure name” is the committee’s full name followed by the words “Funding details at [www.sandiego.gov/donors](http://www.sandiego.gov/donors).”



- If the committee does not have any donors of \$10,000 or more, its “disclosure name” is the committee’s full name.
- ✓ If the advertisement is intended to support or oppose a City candidate, the committee must provide the platform with the candidate’s name and office sought, including the fact that it is a City of San Diego office.
- ✓ If the advertisement is intended to support or oppose a City ballot measure, the committee must provide the platform with the official letter of the measure (if it has been assigned) and the fact that it is a City of San Diego measure.
- ❖ Alternatively, the text for the name of the committee may be shortened by either of the following:
  - ✓ Displaying only enough of the first part of the committee name to uniquely identify the committee. If the committee is a sponsored committee, then the name displayed must include the portion of the committee name that identifies the sponsor or sponsors, unless all of the sponsors are disclosed on the ad as top contributors. Or,
  - ✓ Committee name may be replaced by displaying the words “Committee ID” followed by the committee’s identification number if committee has top funders to disclose.
- ❖ Online platforms provided with the above information are required to post a disclosure next to where the platform labels the advertisement as an “advertisement,” “sponsored,” or “promoted.” The disclosure must be in one of the following formats:
  - ✓ the words “Ad Paid for by” or “Paid for by” followed by the committee’s full “disclosure name”;
  - ✓ the words “Ad Paid for by” or “Paid for by” followed by at least the first 100 characters of the committee’s “disclosure name,” and then followed by “...” formatted as a hypertext link; or,
  - ✓ the words “Who funded this ad?” or “Paid for by” or “Ad Paid for by” displayed as text, an icon, a button, or a tab, and formatted as a link.
  - ✓ For the latter two options, the link must be made to either:
    - the PFRC’s profile/landing page containing disclosure information in the cover or header photo, as discussed in the section above;
    - an “About” page conspicuously displaying the full “disclosure name”; or,
    - an external Internet website containing the disclosure information discussed in Part A, above.
- ❖ Such online platforms must also include a “View Ads” button or hypertext link on the PFRC’s profile page, landing page, or similar page that directs the viewer to a page displaying all of the PFRC’s campaign advertisements, as well as data regarding each advertisement’s cost, first and last display dates, and views generated, for the last four years.

### **Audio-Only Advertisements on the Internet**

- ❖ When a PFRC pays for an audio-only campaign advertisement disseminated through the internet, the advertisement must contain the words “ad paid for by” followed by the name of the committee.
- ❖ Disclosure requirements for audio-only advertisements are the same as for radio advertisements (see above).
- ❖ The applicable ad disclosure and top contributor of \$50,000 or more language shall go inside a printed or drawn box. The City of San Diego’s unique \$10,000 donor disclosure shall go immediately below and outside of the box.

- ❖ Additional rules for PFRCs with \$10,000 donors and \$50,000 donors are discussed near the end of this fact sheet, along with other state laws applicable to all PFRCs.
- ❖ Committees paying for audio-only Internet advertisements must maintain records that identify the website or media outlet broadcasting the advertisement, the date(s) the advertisement was broadcast, the content of the “ad paid for by” disclosure, as well as a copy of the advertisement.

### **Audio and Visual Advertisements on the Internet**

- ❖ For an electronic media advertisement on a listening application that uses both audio and visual formats simultaneously (for example, Spotify), the visual portion must follow disclosure requirements for electronic media advertisements, and the audio portion must follow the disclosure requirements for radio advertisements. Contact the Fair Political Practices Commission for more information.

### **Newspapers, Periodicals, and Magazines**

- ❖ When a PFRC pays for an advertisement that appears in a newspaper, periodical, or magazine, the advertisement must contain the words “Ad paid for by” followed by the committee’s name.
  - ✓ The disclosure must be in a contrasting Arial equivalent font at least 10 points in size, contained within a printed or drawn box with a solid white background at the bottom of the advertisement, set apart from other printed matter.
- ❖ If a PFRC has at least one donor of \$50,000 or more, the disclosure must also identify the PFRC’s top donors on the advertisement, as follows:
  - ✓ The disclosure must include the words “Ad Committee’s Top Funders” followed by the names of the PFRC’s top three donors of \$50,000 or more, except that if the advertisement is 20 square inches or less, only the top donor must be identified.
  - ✓ If fewer than three donors contributed \$50,000 or more to the PFRC, only those that have reached the threshold must be identified.
  - ✓ Each donor must be identified on a separate line, centered horizontally; the donors must be listed in descending order, beginning with the donor who made the largest cumulative contributions on the first line.
  - ✓ All parts of the disclosure, except for the names of the \$50,000 donors, must be underlined.
  - ✓ The disclosure may not be in all caps.
- ❖ In addition to the above requirements, if a PFRC has at least one donor of \$10,000 or more, the disclosure must include the words “Funding details at [www.sandiego.gov/donors](http://www.sandiego.gov/donors).”
  - ✓ These words must appear below and in the same font size and format as the “Ad paid for by” disclosure.
- ❖ The applicable ad disclosure and top contributor of \$50,000 or more language shall go inside a printed or drawn box. The City of San Diego’s unique \$10,000 donor disclosure shall go immediately below and outside of the box.
- ❖ Additional rules for PFRCs with \$10,000 donors and \$50,000 donors are discussed in the sections that follow, along with other state laws applicable to all PFRCs.
- ❖ State law also requires campaign advertisements printed in a newspaper to contain the words “Paid Political Advertisement.” See California Elections Code § 20008 for details.

- ❖ Committees paying for these advertisements must maintain records that identify the publication where the advertisement appeared, the date(s) the advertisement appeared, the content and size of the “Ad paid for by” disclosure, as well as an advertising proof or comparable image of the advertisement in printed or electronic format.

### **Additional Rules for Committees with \$50,000 Donors**

- ❖ Once a committee qualifies or redesignates as a PFRC, it must consider the cumulative contributions received from each donor within the 12 months prior to the date of the ad expenditure and ending seven days before submitting the advertising order.
- ❖ If two or more top donors made the same amount of contributions, the PFRC must list first the donor who most recently contributed that amount.
- ❖ When a PFRC identifies its top \$50,000 donors, the names may not be in all capital letters. Otherwise, capital letters are allowed for the beginning of a sentence, the beginning of a proper name or location, and as otherwise required by conventions of the English language.
- ❖ If a committee is sponsored, the name of the sponsor must appear in the committee’s name. This means that the sponsor’s name may appear twice in an advertising disclosure if the sponsor is also one of the committee’s top three donors of \$50,000.
- ❖ If one of a PFRC’s top three \$50,000 donors is a sponsored committee with a single sponsor, only the sponsor’s name needs to be identified when listing \$50,000 donors.
- ❖ Television, radio, telephone, and electronic media advertisements must be updated within five business days to reflect any changes to the identity or order of its top \$50,000 contributors. A committee will comply with this rule if, by the fifth business day, it delivers an amended advertisement to the relevant vendor with a request that the advertisement be immediately replaced.
- ❖ Print media advertisements must be updated to reflect any changes to the identity or order of the top \$50,000 contributors whenever the PFRC places a new or modified order for an additional printing of the advertisement.

### **Additional Rules for Committees with \$10,000 Donors**

- ❖ PFRCs with at least one \$10,000 donor have additional disclosure requirements.
- ❖ A PFRC must consider all contributions cumulatively received from each of its contributors over the current election cycle since qualifying or redesignating as a PFRC.
- ❖ Every time one of its contributors reaches the \$10,000 threshold, a PFRC must send an email to the ethics commission ([ethicscommission@sandiego.gov](mailto:ethicscommission@sandiego.gov)) within three business days. The email must include:
  - ✓ the committee’s full name and identification number,
  - ✓ the contributor’s name, and
  - ✓ if the contributor is a PFRC or a general purpose recipient committee, the contributor’s committee identification number.
- ❖ PFRCs need not include contribution dates or amounts in their email.
- ❖ \$10,000 donors will be identified on the City of San Diego’s website ([www.sandiego.gov/donors](http://www.sandiego.gov/donors)) using the names provided to the ethics commission.

## Additional Rules and Prohibitions

- ❖ The California Government Code contains additional disclosure requirements that are not part of ECCO, including:
  - ✓ Advertisements supporting or opposing a candidate that are paid for by independent expenditures require a statement that the advertisement was not authorized by a candidate or a committee controlled by a candidate.
  - ✓ Disclosures are required on emails, texts, committee websites, slate mailers, and social media posts (note that ECCO does require disclosures for “sponsored,” “promoted,” or similarly paid posts).
  - ✓ Contact the Fair Political Practices Commission (FPPC) at 866-275-3772 for assistance with these additional rules. You may also wish to review the educational materials on its website: <http://www.fppc.ca.gov/learn/campaign-rules/campaign-advertising-requirements-restrictions.html>.
- ❖ Pursuant to California Elections Code § 18304, campaign committees may not use the City seal on a campaign advertisement for purposes of falsely suggesting that any or all of the advertisement is an official City communication.
- ❖ If an advertisement appears primarily in a language other than English, the applicable advertisement disclosure must be in that same language. A committee's name must be the same as on its statement of organization or campaign statements.
- ❖ When a person or entity pays for campaign advertising at the behest of, or in coordination with, a candidate, that payment is an “in-kind contribution” to the candidate. PFRCs are prohibited from making contributions to City candidates.
- ❖ A committee may have “Ad paid for by” disclosure obligations even if technology makes the costs of disseminating an advertisement negligible.
- ❖ Campaign-related communications from an organization to its members may be coordinated with a City candidate. Communications that reach an audience beyond an organization’s members (for example, billboards, yard signs, door hangers left at every house), however, may not be coordinated with a City candidate.
- ❖ Records relating to campaign advertisements must be kept by the committee for a period of four years following the filing of the campaign statement that reflects the payment made for the advertisement.
- ❖ For additional information, please contact the ethics commission at (619) 533-3476 or [ethicscommission@sandiego.gov](mailto:ethicscommission@sandiego.gov).

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